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LETTER DATED 9 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE OF CANADA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Please find enclosed the submission of the Government of Canada as requested in paragraph 5 of Security Council resolution 771 (1992).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Louise FRECHETTE
Ambassador and
Permanent Representative

Annex

REPORT TO THE UNITED NATIONS PURSUANT TO UNSC RESOLUTIONS 771 (1992) AND 780 (1992)

1. INTRODUCTION

UN Security Council Resolution 771 (1992) called upon States and international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia and to make this information available to the Council.

In compliance with paragraph 5 of Security Council Resolution 771 (1992), Canada is submitting the present report. Part 1 of the report outlines the process established by Canada to collect information on breaches of international humanitarian law. Part 2 provides an analysis of the applicable law for all Parties to the conflict. Part 3 is a list of substantiated incidents of grave breaches of the Geneva Conventions and other violations of international humanitarian law. Where Canada has further substantiating information concerning the incidents included in the present report, it will be made available directly to the Commission of Experts on a confidential basis.

2. THE CANADIAN PROCESS

In response to the request of the United Nations Security Council in Resolutions 771 and 780, Canada established a process to collect information of violations of the 1949 Geneva Conventions, the 1977 Additional Protocols and other applicable international humanitarian law. At the beginning of November, 1992, a Canadian Information Coordinator was appointed to accomplish this task.

The first stage in the Canadian process consisted of the collection of information from a variety of sources in order to provide a complete factual background to the crisis. The information collected includes sixty-five reports from non-governmental and regional organizations, governments and the United Nations (see Bibliography, Annex 1) and corroborating reports from credible Canadian sources. These Canadian sources are not all indicated in the report but this information will be made available to the UN Commission of Experts for use in their investigative work. All the reports collected and all relevant information have been gathered in a database which classifies the information by setting out the allegation, the location, the date, names or group affiliation of the perpetrator(s) and victim(s), and the source of the allegations. The present report compiles those allegations which are corroborated by a wide variety of sources.

The second phase began on 12 January 1993 when Canada's Secretary of State for External Affairs invited members of the Canadian public to provide substantiated information on breaches of international humanitarian law in the former Yugoslavia. Those able to provide information have been requested to complete a form designed to gather relevant and detailed information on such allegations (a copy of the form is attached as Annex 2). All the information received will be analyzed and cross-referenced to information from other sources. The information submitted to the Information Coordinator will provide the basis for subsequent reports to the Secretary-General and will be made available to the UN Commission of Experts.

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3. ANALYSIS OF APPLICABLE LAW

In its Resolution 771 (1992), the Security Council specifically referred to the international obligations flowing from international humanitarian law and the Geneva Conventions, as well as the individual responsibility of those who commit or order the commission of grave breaches of international humanitarian law.

International humanitarian law includes, most notably, the Hague Conventions of 1899 and 1907, the four Geneva Conventions of 12 August 1949, the two 1977 Additional Protocols, rules applicable in armed conflict set forth in international agreements to which the Parties to the conflict have agreed and the generally recognized principles and rules of international law which apply to armed conflict. The UN Commission of Experts has recognized that the applicable rules include the prohibition of genocide, as codified in the Genocide Convention, as well as fundamental norms of international human rights law. International humanitarian law covers both international and non-international armed conflicts although the rules governing each type vary significantly.

To identify incidents which may constitute grave breaches of humanitarian law in the territory of the former Yugoslavia, it is necessary to first determine the applicable treaty law for each Republic.

3.1 The former Socialist Federal Republic of Yugoslavia (SFRY)

The former SFRY ratified the four Geneva Conventions of 1949 in 1950; the two Additional Protocols of 1977 in 1978 and the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict (1954) in 1961. The SFRY also became a party to a number of human rights instruments, including the Genocide Convention (1948), the International Convention on the Elimination of all forms of Racial Discrimination (1966), the

International Covenant on Economic, Social and Cultural Rights (1966), and the Convention against Torture and other Cruel and Inhuman or Degrading Treatment (1984). These ratifications by the SFRY confirm its international obligations to respect international humanitarian and human rights law.

3.2 The Federal Republic of Yugoslavia (FRY)

The FRY (made up of Serbia and Montenegro since 27 April 1992) expressed its wish to be recognized as the successor State to SFRY, and proclaimed "the Federal Republic of Yugoslavia, continuing the State, international legal and political personality of the Socialist Republic of Yugoslavia".

The claim of succession formulated by the FRY was based on the following argument:

> The basic criteria for the continuity and personality of a State are: significant portions of the territory which continues its existence; a major portion of the population; an independent government and organization of authority operating in accordance with the country's constitution. The nucleus of Yugoslavia (...) was formed by Serbia and Montenegro, which invested their statehood into the State of Yugoslavia together with all their rights and obligations, international treaties and membership in international organizations ... Consequently, we have all the physical and material as well as legal conditions for Yugoslavia's uninterrupted identity and existence. This view of continuity and identity does not prejudice the possibility of new States acquiring international recognition in accordance with international law.

The claim to succeed to the rights and obligations of the former Socialist Federal Republic of Yugoslavia (the SFRY) implies the Federal Republic of Yugoslavia's willingness to succeed to international agreements ratified by the former SFRY, including its obligations under international humanitarian law. Therefore, the FRY is bound by all international instruments pertaining to human rights and humanitarian law ratified by the former SFRY.

3.3 Croatia

In order to determine which body of law is applicable to the conflict occurring in Croatia, various factors must be examined. These factors include: (1) Croatia's declarations of independence and of succession to the four Geneva Conventions and Additional Protocols of 1977; (2) the agreement reached with other Parties to the conflict to respect international humanitarian law provisions; and (3) the applicability of Article 2 common to the Geneva Conventions.

Croatia declared that it considers itself bound by all international agreements (both bilateral and multilateral) ratified by SFRY and its predecessor states back to 1918, with some limited exceptions. In particular, Croatia considered itself a party and fully bound to the Geneva Conventions and the two Additional Protocols as of 8 October 1991. On 11 May 1992, the Republic of Croatia deposited with the Swiss Government a declaration of succession, without reservations, to the four Geneva Conventions of 12 August 1949 and the two Additional Protocols of 8 June 1977. It can be considered that since Croatia agreed to be bound by these international instruments, the four Geneva Conventions and the two Additional Protocols came into force for Croatia on 8 October 1991.

The SFRY has not accorded **de jure** recognition to Croatia and could consider the conflict taking place in Croatia to be internal in nature and not governed by all four Geneva Conventions and Additional Protocols. However, on 5 November 1991 at the Hague, an agreement was concluded among the Presidents of the six Republics in which they declared their willingness to respect international humanitarian law (see Annex 3 for a copy of the Statement of Respect). At the invitation of the International Committee of the Red Cross (ICRC), plenipotentiary representatives of the Republic of Croatia, the Republic of Serbia, and the Socialist Federal Republic of Yugoslavia met in Geneva on 26 and 27 November 1991. The meeting

confirmed the declaration of respect of international humanitarian law made on 5 November 1991. A memorandum of understanding was signed on 27 November 1991 on the implementation of the provisions of the 1949 Geneva Conventions and Additional Protocol I that provide protection for the wounded and sick, civilians and prisoners, and govern the conduct of hostilities (see Annex 4 for a copy of the memorandum of understanding). Therefore, starting 27 November 1991, those provisions of the 1949 Geneva Conventions and Additional Protocol I apply to all Parties to the conflict in Croatia based on the 26-27 November agreement.

On 2 January 1992, a fifteenth cease-fire was agreed upon by Croatia and the SFRY Army. The plan also involved the replacement of the JNA troops by a 14,000 member United Nations peacekeeping force. On 15 January 1992, Croatian independence was recognized by, among other countries, Canada and the EC. Therefore, until the complete withdrawal of the Belgrade-controlled JNA, international humanitarian law covering international armed conflict is applicable to the conflict; the criteria set forth in Article 2 of the four Geneva Conventions are met and the conflict in Croatia can be considered as an armed conflict arising between two High Contracting Parties.

In conclusion, reviewing the events which took place in Croatia, four stages can be identified: (1) Prior to the Croatian declaration of independence on 8 October 1991, the body of law governing internal armed conflicts is applicable; (2) between 8 October 1991 and 27 November 1991, since Croatia agreed to be bound by the four Geneva Conventions and the Additional Protocols, these international instruments apply to Croatia (Croatian armed forces); (3) from 27 November 1991 to 15 January 1992, provisions of the 1949 Geneva Conventions and Additional Protocol I apply to all parties to the conflict on the basis of their own commitment to implement the above instruments and finally; (4) starting on 15 January when the international community recognized Croatia's independence, provisions covering

international armed conflicts apply to the parties to the November agreement and also, on the basis of common Article 2 of the Geneva Conventions providing for the application of the Conventions to cases of armed conflict arising between two "High Contracting Parties", until the complete withdrawal of the Belgrade controlled JNA troops in Croatia.

3.4 Bosnia-Hercegovina

A referendum on independence was held in Bosnia-Hercegovina on 1 March 1992. After the results of the referendum were announced, President Izetbegovic declared the republic independent and called for international recognition. The international community recognized Bosnia-Hercegovina's independence on 6-7 April 1992; during the same period hostilities among the various groups became widespread.

Before the hostilities began in Bosnia-Hercegovina, on 5 November 1991, the President of the Republic made, with the Presidents of the five other Republics, a declaration of respect for international humanitarian law (see Annex 3 for a copy of the Statement).

On 22 May 1992 in Geneva, representatives of the President of the Republic of Bosnia-Hercegovina, of the President of the Serbian Democratic Party, of the President of the Party of Democratic Action and of the President of the Croatian Democratic Community, all Bosnia-Hercegovina groups, met to discuss different aspects of the application and implementation of international humanitarian law within Bosnia-Hercegovina. As a result of the meeting, the parties agreed on the application of basic principles of international humanitarian law. The Parties have agreed to bring into force a special agreement in accordance with Article 3 of the four Geneva Conventions of 12 August 1949, which provides that the "Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention".

The Agreement contains provisions on: 1) the displacement of the civilian population and free access to civilians in all places; 2) captured combatants; 3) conduct of hostilities; 4) assistance to the civilian population; 5) Red Cross emblem; 6) dissemination; 7) implementation; and 8) general provisions on the respect of the agreement. (See Annex 5 for a copy of the entire Agreement).

On the basis of the Agreement of the 22 May 1992, on 30 September-1 October 1992, an agreement was signed in London on the release and transfer of prisoners. The Agreement was accepted by representatives of the President of the Republic of Bosnia-Hercegovina, the President of the Serbian Democratic Party, of the President of the Croatian Democratic Community, of the Party of Democratic Action and liaison officers of the Serbian Democratic Party and of the Presidency of the Republic of Bosnia-Hercegovina. It contains provisions on: 1) prisoners covered by the agreement (combatants and civilians deprived of their liberty for reasons related to the conflict); 2) the parties' responsibility for prisoners; 3) the release of prisoners (all prisoners not accused of, or sentenced for, grave breaches of international humanitarian law, and if the ICRC so requests); 4) judicial guaranties; 5) assistance to prisoners released or transferred; 6) notification of prisoners; 7)enquiries; 8) ICRC access to prisoners; 9) notification of releases without ICRC involvement; 10) right of prisoners to return to their residence; 11) validity of documents signed by prisoners or civilians and; 12) activities after release (interdiction to recruit prisoners released and/or transferred under the agreement into the armed forces of the parties). (See Annex 6 for a copy of the entire Agreement).

In conclusion, the applicable international humanitarian law in Bosnia-Hercegovina is based on the provisions of the above special Agreements to which the Parties agreed to be bound.

4. LIST OF SUBSTANTIATED INCIDENTS

The following list of substantiated incidents is part of the first phase of the Canadian process of collecting information on breaches of international humanitarian law. The sources of information regarding these incidents are reports produced by regional organizations and reputable non-governmental organisations, credible Canadian sources, the United Nations and by governments. The selection of events which are incorporated in the list is based upon the quality of reports describing the allegation and therefore, the list does not claim to be an exhaustive list of all allegations, but rather a list of the best substantiated allegations gathered from various sources during the Canadian process prior to January 1993.

4.1 Village of Marino Selo (Municipality of Pakrac, Croatia)

> Allegation: in mid-November 1991, members of the Croatian Army arrested Serbs and brought them to the village of Marino Selo where they were beaten and later executed in December 1991.

This allegation is reported by one credible Canadian source, one non-governmental organization and one regional organization.

A credible Canadian source gives very specific details about the allegation, including names of perpetrators and victims, and the location of two alleged mass graves.

The allegation is also reported in the February 1992 Report of Helsinki Watch and in the Corell, Turk and Thune Report under the Moscow Human Dimension Mechanism to Croatia (30 September- 5 October 1992).

4.2 **Gospic** (near central West Coast, Croatia)

> Allegation: In late December 1991, 24 bodies were found burnt near the villages of Siroka Kula and Perusic (municipalities of Gospic). Five more were found near by. According to the reports, five or six men dressed in uniforms of the type worn by the Croatian police prior to the changes introduced in 1990, entered a basement shelter where mainly Serbian families were taking refuge from the fighting. Some Serbs were taken away. On 25 December, 24 charred bodies were found close to the village of Perussic. Among the bodies, some were identified as Serbs abducted from Gospic. According to a Belgrade pathologist, Dr Z. Stankovic, several victims had their skulls cracked with blunt instruments. Some of the victims reportedly died of gunshot wounds to the chest or back of the head.

This allegation is reported by various press and non-governmental organizations.

Helsinki Watch (13 February Report) gives detailed information on the allegation following interviews with Gospic residents and a pathologist from Belgrade. The **New York Times** (25 January 1992), the Croatian Press (November 1991) and Amnesty International (March 1992, in reference to Helsinki Watch Report) also report the incident.

4.3 **Vocin** (North-East of Daruvar, Croatia)

> Report: In December 1991, 43 people, many of them women and elderly men, were reportedly killed by Serbian paramilitary forces. As the paramilitary left the village after a Croatian offensive on the night of 13 November 1991, they are alleged to have destroyed Croatian houses and blown up a Roman Catholic church which they have used to store ammunition. Results of the autopsies show that most were killed by gunshot; two women died has a result of wounds by a heavy sharp tool, while the cause of death of others could not be established because their bodies have been severely burnt.

This allegation is reported by three non-governmental organizations and one State.

This allegation is reported by Amnesty International ("Further Reports of Torture and Deliberate and Arbitrary Killings", p. 6). Amnesty International refers to a report issued on 19 December 1991 by the Institute for Forensic Medicine of Zagreb University containing results of autopsies held on the dead. Names, age and cause of death are provided as well as testimony from relatives of the victims.

The allegation is also referred to by Helsinki Watch (February Report) and by the International Society for Human Rights (12 July 1992, p. 7) and in a letter from the Permanent Representative of France to the UN (5 November 1992) .

4.4 Vukovar and vicinity (Croatia)

> Report: Existence of several mass graves following the disappearance of 2,000 to 3,000 unarmed civilians who may have been executed by the combined forces of the JNA and Serbian irregular forces.

This allegation is reported by a non-governmental, organization, the press, a regional organization, a United Nations body, and credible Canadian sources.

The Report on the Situation of Human Rights in the Territory of Former Yugoslavia submitted by Mr. Mazowiecki (E/CN.4/1992/S-1, 27 October 1992) describes the allegation and contains the report of Dr C. Snow, a forensic anthropologist. Dr Snow, on the basis of testimonies of witnesses from Vukovar, located a site which appears to be a mass grave of victims of war crimes.

Also the Corell, Turk and Thune Report under the Moscow Human Dimension Mechanism to Croatia (30 September - 5 October 1992) reports that, according to several sources, there are between ten and fifteen mass graves in Vukovar and vicinity.

Amnesty International ("Further Reports of Torture and Deliberate and Arbitrary Killings in War Zones", March 1992) does not mention the existence of mass graves, however, in reference to Croatian official sources, they indicate that at least 4,800 Croats and non-Serbs have gone missing during the conflict. Many of these were wounded Croatian soldiers and civilians who were arrested by JNA and Serbian paramilitary forces after the fall of Vukovar on 18 November 1991.

4.5 Tordinci (vicinity of Vinkovci, Eastern Croatia)

Allegation: mass graves containing a large number of Croat soldiers and civilians.

Two sources report the existence of mass graves in Tordinci; one source a non-governmental organizations and the other a credible Canadian source.

The International Society for Human Rights in a report dated July 1992 mentions the existence of a mass grave containing the bodies of over 100 Croat soldiers and civilians which has been discovered by UN forces. Tordinci has been occupied by Serb militia units.

A credible Canadian source reports that at least 200 to 300 Croat bodies, most of them elderly people and civilians, have been buried in Tordinci.

4.6 **Bijeljina** (municipality of Bojeljina, East B-H)

Allegation: Summary executions of a large number of Muslim civilians at the beginning of April 1992 by Serbian paramilitaries.

This allegation was reported by a credible Canadian source and two non-governmental organizations.

The Council of Human Rights and Fundamental Freedoms (Republic of Slovenia) provides the testimony of one witness to the allegation. This report does not specify the number of people allegedly killed during the incident. However, it was reported that dead bodies were found in the streets, later they were piled up and carried away. Human Rights Watch also reported the incident. Individual interviews with six residents from Bijeljina were held on 4 June 1992 in the Republic of Slovenia. They all confirmed the allegation. No account of the number of wounded or dead due to the incident is provided.

A credible Canadian source also reports the allegation that approximately one thousand Muslims were killed in one day with no records of hostilities taking place.

5. LIST OF ALLEGED CONCENTRATION CAMPS

5.1 **Trnopolje** (North-West of Banja Luka, Kozarac region, B-H)

Allegation: This so called "open camp" is alleged to have been used by Serbian forces to hold Muslims. There are numerous accounts of torture, ill-treatment and deliberate and arbitrary killings of inmates in the camp.

A large number of allegations are reported in non-governmental and regional organization reports, government reports and the report of a United Nations body.

Amnesty International ("Bosnia-Hercegovina: Gross Abuses of Basic Human Rights") and Helsinki Watch ("War Crimes in Bosnia-Hercegovina") report the existence of Trnopolje camp, where Muslims women and children are detained.

Two Government report also mention the existence of the camp. In the French report, the testimony of a Muslim survivor reports the existence of 6,000 women and children detainees. In the US report, allegations of beatings and killings are reported.

In the CSCE Report, the number of inmates is estimated at 2,000. The Special rapporteur, Mr T. Mazowiecki, in his Report to the UNCHR (27 October 1992) was shocked by the conditions of living in the camp. He writes: "More than 3,000 people were cramped into three buildings and a few small houses, where they live in unspeakable squalor, sleeping on thin blankets and lice-infected straw, drinking contaminated water and surviving on minimum rations of bread."

5.2 Omarska (North-West of Banja Luka, Kozarac region, B-H)

Allegation: Existence of a detention camp used by Serbian forces for the detention of Muslim and Croat men. Alleged beatings and mistreatment of the prisoners in the camp.

A large number of allegations are reported in a non-governmental organization's report, government reports and also by one victim.

Amnesty International ("Bosnia-Hercegovina: Gross Abuses of Basic Human Rights") and Helsinki Watch ("War Crimes in Bosnia-Hercegovina") mention the existence of facilities at an iron-ore mine near the village of Omarska. Following interviews with ex-detainees by Amnesty International, frequent beating, torture and ill-treatment were reported. Since early 1992, a large number of detainees are believed to have been transferred to Manjaca and Trnopolje.

Government reports from France and the United States also indicate the existence of Omarska camp. Among many allegations of beatings, torture, ill-treatment and killings, in the US Report dated 6 November 1992, a Muslim detainee at the camp testified that his duty at the camp was to help transport the bodies of 10-20 dead prisoners each day.

There is one statement written by a priest following his experience at Omarska camp. The priest testified that "they beat us with whatever they could, their hands, feet, wooden planks (...) and battens (...) [at night] in front of the door stands a guard and he calls either ten or fifteen men to come out and these men never return (...) by my calculations and the rest of the prisoners, 1,300 people died and the majority of them intellectuals."

5.3 Brcko (North-East B-H)

Allegation: Alleged concentration camp operated by the Serbian Army.

Various sources report the existence of Brcko camp, including credible Canadian sources, perpetrators (reported in the Press) and government reports.

An article published by Reuters reporting the testimony of two Bosnian reservists held as prisoners of war say that they took part in the execution of Muslim and Croat civilians in the northern Bosnian town of Brcko. They said that they shot and cut the throats of about eighty men on 16-17 May 1992 at a fenced warehouse depot used as detention camp in the town's port on the Sara River.

In four United States reports, there are allegations of crimes committed at the Brcko alleged concentration camp. Reports of torture and mass killings, are included, notably in May 1992.

5.4 Manjaca (south of Banja Luka, B-H)

Allegation: Concentration camp operated by the Serbian Army of Bosnia-Hercegovina.

Allegations of the existence of a concentration camp in Manjaca are found in non-governmental, regional organization and State reports, United Nations and credible Canadian sources.

Amnesty International reports the existence of buildings at a cattle farm which were used as a prisoner-of-war camp in the summer and autumn of 1991. Croatian soldiers were held there during the war, however, since early spring of 1992, the same buildings were used to hold both Croats and Muslims. It is believed that most of them were civilians. Many sources agree that ill-treatment and torture were frequent, and that conditions in the camp were extremely poor. Also, there are allegations of the deliberate and arbitrary killings of prisoners.

Following a visit to the facility, the CSCE mission reported that "prisoners exhibit signs of very serious malnourishment". Conditions were believed to have improved after the visits of international delegations, the press and the ICRC.

The mission sent by the Commission on Human Rights to investigate first hand the situation in the territory of the former Yugoslavia (E/CN.4/1992/S-1/9, 28 August 1992) was denied access to the camp. However, the mission reached the camp and was informed by the officer in charge that 3,000 prisoners of war were held there. It was also informed by other persons that visited the camp that many prisoners were in poor condition, with signs of malnutrition and in some cases torture.

A credible Canadian source reported that the camp at one point contained approximately 700 detainees, 70 percent Muslims and 30 percent Croats. Many detainees are believed to have been tortured to death.

In its first report (09/23/92), the United States mentioned the discovery of 25 bodies of emaciated men, believed to be prisoners, with their throats cut. Also, in the second United States report based on an interview with an ex-detainee, there are allegations of beating and rape.

5.5 Bosanski Brod (B-H)

Allegation: Detention camp held by Croats. Most prisoners are Serbs and believed to be civilians, including women, wounded and elderly people.

This allegation was reported by two credible Canadian sources.

Enclosure 1

LIST OF MATERIAL ON YUGOSLAVIA

A. INTER-GOVERNMENTAL REPORTS

1. UNITED NATIONS COMMISSION ON HUMAN RIGHTS (UHCHR)

-"Report on the situation of human rights in the territory of former Yugoslavia", (special Rapporteur: Tadeusz Mazowiecki), 28 August 1992.

-"Report on the situation of HR in the territory of former Yugoslavia", 27 October 1992.

2. SECRETARY GENERAL

"Report of the Secretary General pursuant to SC Res. 749 (1992)", 12 May 1992

"Further Report of the Secretary General pursuant to S.C. Res. 743(1992) and 762 (1992)

3. CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (CSCE)

"Report of CSCE Mission to inspect places of detention in B-H", 29 August-4 September 1992.

"Report under the Moscow Human Dimension Mechanism to Croatia", CSCE, October 1992.

B. GOVERNMENT REPORTS

1. BOSNIA-HERCEGOVINA (29 July 1992)

2. FRANCE (5 November 1992)

3. UNITED STATES

23 September 1992 (1st Report)
23 October 1992 (2nd Report)
6 November 1992 (3rd Report)
7 December 1992 (4th Report)

C. NON-GOVERNMENTAL ORGANIZATIONS REPORTS

1. AMNESTY INTERNATIONAL (London)

"Further Reports of Torture and deliberate and arbitrary killings in War Zones", March 1992.

"Bosnia-Herzegovina: Gross Abuses of Basic Human Rights", October 1992.

2. HELSINKI WATCH (Human Rights Watch, New York)

"Helsinki Watch Report on HR abuses in Croatia", February 1992.

"Helsinki Watch Report on War Crimes in Bosnia-Hercegovina", August 1992.

3. INTERNATIONAL COMMITTEE OF THE RED CROSS

Report by Cornelio Sommaruga (pres. of ICRC): "Saving Lives in Bosnia-Herzegovina", 3 October 1992.

4. INTERNATIONAL HELSINKI FEDERATION FOR HUMAN RIGHTS

"Serbian Police Shoot and Kill Ethnic Albanian in Kosovo", Vienna, May 1992.

5. INTERNATIONAL SOCIETY FOR HUMAN RIGHTS (London)

"Report by the International Society for Human Rights; Human Rights in the former Yugoslav States, Report 2 on Ethnic Cleansing, July 1992.

6. SAVE THE HUMANITY (Sarajevo)

"Statements of Witnesses and Report on War destructions, violations of Human Rights and Crimes Against Humanity in Bosnia-Herzegovina", June 15, 1992.

"Report on on-going War Destructions, Violation of Human Rights and Crimes Agaisnt Humanity in B-H" (PART II), 7 July 1992.

7. UNION FOR PEACE AND HUMANITARIAN AID TO B & H (Sweden),

"Report to the European Court for Human Rights in Geneva Against War Criminals, through international Red Cross in Stockholm", 28 October 1992.

8. REFUGEES OF BOSNIA-HERCEGOVINA

"Urgent Information on the Crisis in Bosnia and Hercegovina", Madison, 25 June, 1992

9. "F TEAM' (Zagreb)

"Report on Statements about violations of the Second Protocol to the Geneva Conventions concerning Slunj, the surrounding villages situated in the region south of Slunj and villages in the municipality of Korenica", 10 November 1991.

10. COUNCIL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (Slovenia),

"Testimonies on Killing of Civilians Committed by Serbian Forces Outside a Combat Context in Bosnia-Herzegovina", September 1992.

2. INTERNATIONAL CENTRE FOR HUMAN RIGHTS AND DEMOCRATIC DEVELOPMENT (Montreal), "Statement on the Situation of Women in the Former Yugoslavia by the Honorable Edward Broadbent, President of the International Centre for Human Rights and Democratic Development", 30 November 1992.

D. OTHER MATERIAL (Doctrine)

BASSIOUNI, Cherif, "The Time Has Come for an International Tribunal Court", in Indiana International & Comparative Law Review, Vol. 1, No. 1, Spring 1991, pp. 1-43.

BOGWELL, Ben, "Yugoslavian Constitutional Questions: Self-Determination and Secession of Member Republics", in Georgia Journal of International Law, Vol. 21, No. 3, Fall 1991, pp. 489-523.

BOURLOYANNIS, Christiane, " The Security Council of the United Nations and the Implementation of International Humanitarian Law", in Denver Journal of International Law and Policy, Vol. 20, No. 2, Winter 1990, United States, pp. 305-334

COLBY, Elbridge, "War Crimes", in Michigan Law Review, Vol. 23, March-April 1925, pp. 482-511, 606-634.

COLBY, Elbridge, "War Crimes and Their Punishment", in Minesota Law Review, Vol. 8, 1924, pp. 40-58.

FENRICK, W.J., "The Prosecution of War Criminals in Canada", in Dalhousie Law Journal, Vol. 12, No. 2, November 1989, pp. 254-297.

MOORE, Patrick, " Islamic Aspect of the Yugoslav Crisis", in RFE/RL Research Report, Vol. 1, No. 28, 10 July 1992, pp. 37-42.

MOORE, Patrick, "Ethnic Cleansing in Bosnia: Outrage but Little Action", in RFE/RL Research Report, Vol. 1, No. 34, 28 August 1992, pp. 1-7.

NIER, Charles Lewis III, "The Yugoslav Civil War: An Analysis of the Applicability of the Laws of War Governing Non-International Armed Conflicts in the Mondern World" in Dickinson Journal of International Law, Vol. 10, Number 2, Winter 1992, United States, pp. 303-331.

WELLER, Marc, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", in American Journal of International Law, Vol. 86, No. 3, July 1992, pp. 569-607.

Enclosure 2

DATA INPUT FORM

Those able to provide substantiated information on breaches of humanitarian law in the former Yugoslavia are invited to complete the following questions and submit this form to:

Information Coordinator
160 Elgin Street
Main Plaza
P.O. Box 70090
Ottawa, Ontario
K2P 2M3

Canada will draw on information gathered by this process in preparing a report to the United Nations Secretary General.

Please note that this form is not to be used in claiming compensation for loses arising from the conflict.

Please do not be discouraged by the length and detail of this form. You may have answers only for few questions, however even partially completed forms can be useful. Please, answer in either French or English and send before February 28, 1993.

1-IDENTIFICATION OF THE PERSON MAKING THE REPORT

The source of this information will be treated in confidence, if you so desire.

1.1 Name:

1.2 Address:

1.3 Relationship, if any, to the victim(s)/perpetrator(s):

1.4 How did you obtain this information? (What is your source?):

1.5 Please check this box if you wish the information in this part 1 to be kept confidential:

2-IDENTIFICATION OF THE VICTIM(S)

2.1 Name:

2.2 Date of birth:

2.3 Sex:

2.4 Ethnic or minority group:

2.5 Status (civilian, combatant, prisoner of war, detainee, journalist, wounded or sick, medical personnel, child, other):

2.6 Was the victim carrying arms (weapons) at the time of the allegation? What was the victim doing at the time of the incident?

3. DESCRIPTION OF EVENTS

3.1 Date:

3.2 Location (street, village, city, region, Republic):

3.3 Allegation (for example: execution, torture, rape, unjustifiable confinement, forcible displacement, deportation, disappearance, hostage-taking, mistreatment in detention, unfair trial, attacks on medical or relief personnel and vehicles, targeting of civilians and civilian objects, attacks against journalists, denial of food supply, targeting of historic buildings and churches, pillage, etc.):

4. PERPETRATOR(S)

4.1 Name(s)

4.2 Status (military (rank, if possible), civilian, other)

4.3 Unit or group suspected (detail any identifying symbols, i.e uniforms, name tags, etc.)

4.4 Name of commanding officer, if known:

5. WITNESSES

5.1 Are there other witnesses? What are their names? Addresses?

5.2 If available, please attach the statements or completed forms of other witnesses to the alleged incident.

6. SUPPLEMENTARY INFORMATION (you may add any other information you have, including documents, photographs, maps, etc.):

Enclosure 3

THE STATEMENT ON RESPECT OF HUMANITARIAN PRINCIPLES made by the Presidents of the six Republics in the Hague on 5 November 1991

We, The undersigned,

undertake to respect and ensure respect of International Humanitarian Law and remind all Fighting Units of their obligation to apply the following fundamental principles:

- wounded and ill persons must be helped and protected in all circumstances,

- all arrested persons, and notably combatants who have surrendered, must be treated with humanity,

- all detaining authorities must ensure the protection of the prisoners,

- the civilian population and civilian property must not be attacked,

- the Red Cross emblem must be respected. It may be used only to designate sanitary troops or buildings as well as persons and vehicles belonging to this service,

- all Red Cross personnel and medical personnel assisting civilian populations and persons hors de combat must be granted the necessary freedom of movement to achieve their tasks,

- unconditional support for the action of the ICRC in favour of the victims

support unreservedly the humanitarian action of the Red Cross and in particular of the International Committee of the Red Cross (ICRC).

Enclosure 4

MEMORANDUM OF UNDERSTANDING SIGNED IN GENEVA UNDER THE AUSPICES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) ON NOVEMBER 27, 1991 BY THE PLENIPOTENTIARY REPRESENTATIVES OF THE REPUBLIC OF CROATIA, THE FEDERAL REPUBLIC OF YUGOSLAVIA AND THE REPUBLIC OF SERBIA have agreed to the following:

(1) Wounded and sick

All wounded and sick on land shall be treated in accordance with the provisions of the First Geneva Convention of August 12, 1949.

(2) Wounded, sick and shipwrecked at sea

All wounded, sick and shipwrecked at sea shall be treated in accordance with the provisions of the Second Geneva Convention of August 12, 1949.

(3) Captured combatants

Captured combatants shall enjoy the treatment provided for by the Third Geneva Convention of August 12, 1949.

(4) Civilians in the power of the adverse party

Civilians who are in the power of the adverse party and who are deprived of their liberty for reasons related to the armed conflict shall benefit from the rules relating to the treatment of internees laid down in the Fourth Geneva Convention of August 12, 1949 (Articles 79 to 149)

All civilians shall be treated in accordance with Articles 72 to 79 of Additional Protocol I.

(5) Protection of the civilian population against certain consequences of hostilities

The civilian population is protected by Articles 10 to of the Fourth Geneva Convention of August 12, 1949.

(6) Conduct of hostilities

Hostilities shall be conducted in accordance with Articles 35 to 42 and Articles 48 to 58 of Additional Protocol I, and the Protocol on Prohibition or Restrictions on the Use of Mines, Booby Traps and Other Devices annexed to the 1980 Weapons Convention.

(7) Establishment of protected zones

The parties agree that for the establishment of protected zones, the annexed standard draft agreement shall be used as a basis for negotiations.

(8) Tracing of missing persons

The parties agree to set up a Joint Commission to trace missing persons; the Joint Commission will be made up of representatives of the parties concerned, all Red Cross Organizations concerned and in particular the Yugoslav Red Cross, the Croatian Red Cross and the Serbian Red Cross with ICRC participation.

(9) Assistance to the civilian population

The parties shall allow the free passage of all consignments of medicines and medical supplies, essential foodstuffs and clothing which are destined exclusively for the other party's civilian population, it being understood that both parties are entitled to verify that the consignments are not diverted from their destination.

They shall consent to and cooperate with operations to provide the civilian population with exclusively humanitarian, impartial and non-discriminatory assistance. All facilities will be given in particular to the ICRC.

(10) Red Cross emblem

the parties undertake to comply with the rules relating to the use of the Red Cross emblem. In particular, they shall ensure that these rules are observed by all persons under their authority.

The parties shall repress any misuse of the emblem and any attack on persons or property under its protection.

(11) Forwarding of allegations

The parties may forward to the ICRC any allegations of violations of international Humanitarian law, with sufficient details to enable the party reportedly responsible to open an enquiry.

The ICRC will not inform the other party of such allegations if they are expressed in abusive terms or if they are made public.

Each party undertakes, when it is officially informed of such an allegation made or forwarded by the ICRC, to open an enquiry promptly and pursue it conscientiously, and to take the necessary steps to put an end to the alleged violations or prevent their recurrence and to punish those responsible in accordance with the law in force.

(12) Requests for an enquiry

Should the ICRC be asked to institute an enquiry, it may use its good offices to set up a commission of enquiry outside the institution and in accordance with its principles.

The ICRC will take part in the establishment of such a commission only by virtue of a general agreement or an ad hoc agreement with all the parties concerned.

(13) Dissemination

The parties undertake to spread knowledge of and promote respect for the principles and rules of international humanitarian law and the terms of the present agreement, especially among combatants. This shall be done in particular:

- by providing appropriate instruction on the rules of international humanitarian law to all units under their command, control or political influence, and to paramilitary or irregular units not formally under their command, control or political influence;

- by facilitating the dissemination of ICRC appeals urging respect for international humanitarian law;

- via articles in the press, and radio and television programmes prepared also in cooperation with the ICRC and broadcast simultaneously;

- by distributing ICRC publications.

(14) General provisions

The parties will respect the provisions of the Geneva Conventions and will ensure that any paramilitary or irregular units not formally under their command, control or political influence respect the present agreement.
The application of the preceding provisions shall not affect the legal status of the parties to the conflict.

(15) Next meeting

The next meeting will take place in Geneva on 19-20 December,

Enclosure 5

AGREEMENT

At the invitation of the International Committee of the Red Cross,

Mr. K. Trnka, Representative of Mr. Alija Izetbegovic President of the Republic of Bosnia-Herzegovina

Mr. D. Kalinic, Representative of Mr. Radovan Karadzic President of the Serbian Democratic Party

Mr. J. Djogo, Representative of Mr. Radovan Karadzic President of the Serbian Democratic Party

Mr. A. Kurjak, Representative of Mr. Alija Izetbegovic President of the Party of Democratic Action

Mr. S. Sito Coric, Representative of Mr. Miljenko Brkic President of the Croatian Democratic Community

met in Geneva on the 22 May 1992 to discuss different aspects of the application and of the implementation of international humanitarian law within the context of the conflict in Bosnia-Herzegovina, and to find solutions to the resulting humanitarian problems. Therefore

- conscious of the humanitarian consequences of the hostilities in the region;

- taking into consideration the Hague Statement of 5 November 1991;

- reiterating their commitment to respect and ensure respect for the rules of International Humanitarian Law;

the Parties agree that, without any prejudice to the legal status of the parties to the conflict or to the international law of armed conflict in force, they will apply the following rules:

1. General Principles

The parties commit themselves to respect and to ensure respect for the Article 3 of the four Geneva Conventions of 12 August 1949, which states, in particular:

1) Persons taking no active part in the hostilities, including members of armed groups who have laid down their arms and those placed "hors de combat" by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts shall remain prohibited at any time and in any place whatsoever with respect to the above mentioned persons:

a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

b) taking of hostages;

c) outrages upon personal dignity, in particular, humiliating and degrading treatment;

d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2) The wounded and sick shall be collected and cared for:

An impartial body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

2. Special agreement

In accordance with the Article 3 of the four Geneva Conventions of 12 August 1949, the Parties agree to bring into force the following provisions:

2.1 Wounded, sick and shipwrecked

The treatment provided to the wounded, sick and shipwrecked shall be in accordance with the provisions of the First and Second Geneva Conventions of 12 August 1949, in particular:

- All the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict, shall be respected and protected.

- In all circumstances, they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

2.2 Protection of hospitals and other medical units

Hospitals and other medical units, including medical transportation may in no circumstances be attacked, they shall at all times be respected and protected. They may not be used to shield combatants, military objectives or operations from attacks.

The protection shall not cease unless they are used to commit military acts. However, the protection may only cease after due warning and a reasonable time limit to cease military activities.

2.3 Civilian population

The civilians and the civilian population are protected by Articles 13 to 34 of the Fourth Geneva Convention of 12 August 1949. The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. They shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

All civilians shall be treated in accordance with Articles 72 to 79 of Additional Protocol I. Civilians who are in the power of an adverse party and who are deprived of their liberty for reasons related to the armed conflict shall benefit from the rules relating to the treatment of internees laid down in the Fourth Geneva Convention of 12 August 1949.

In the treatment of the civilian population there shall be no adverse distinction founded on race, religion or faith, or any other similar criteria.

The displacement of the civilian population shall not be ordered unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

The International Committee of the Red Cross (ICRC) shall have free access to civilians in all places, particularly in places of internment or detention, in order to fulfil its humanitarian mandate according to the Fourth Geneva Convention of 12 August 1949.

2.4 Captured combatants

Captured combatants shall enjoy the treatment provided for by the Third Geneva Convention.

The International Committee of the Red Cross (ICRC) shall have free access to all captured combatants in order to fulfil its humanitarian mandate according to the Third Geneva Convention of 12 August 1949.

2.5 Conduct of hostilities

Hostilities shall be conducted in the respect of the laws of armed conflict, particularly in accordance with Articles 35 to 42 and Articles 48 to 58 of Additional Protocol I, and the Protocol on the prohibition or Restriction on the Use of Mines, Booby Traps and other Devices annexed to the 1980 Weapons Convention. In order to promote the protection of the civilian population, combatants are obliged to distinguish themselves from the civilian population.

2.6 Assistance to the civilian population

The Parties shall allow the free passage of all consignments of medicines and medical supplies, essential foodstuffs and clothing which are destined exclusively to the civilian population.

They shall consent to and cooperate with operations to provide the civilian population with exclusively humanitarian, impartial and non-discriminatory assistance. All facilities will be given in particular to the ICRC.

3. Red Cross Emblem

The Red Cross Emblem shall be respected. The Parties undertake to use the emblem only to identify medical units and personnel and to comply with the other rules of international humanitarian law relating to the use of the Red Cross emblem and shall repress any misuse of the emblem or attacks on persons or property under its protection.

4. Dissemination

The Parties undertake to spread knowledge of and promote respect for the principles and rules of international humanitarian law and the terms of the present agreement, especially among combatants. This shall be done in particular:

- by providing appropriate instruction on the rules of international humanitarian law to all units under their command, control or political influence;

- by facilitating the dissemination of ICRC appeals urging respect for international humanitarian law;

- by distributing ICRC publications.

5. Implementation

Each party undertakes to designate liaison officers to the ICRC who will be permanently present in meeting places determined by the ICRC to assist the ICRC in its operations with all the necessary means of communication to enter in contact with all the armed groups they represent. Those liaison officers shall have the capacity to engage those groups and to provide guarantees to the ICRC on the safety of its operations. Each party will allow the free passage of those liaison officers to the meeting places designated by the ICRC.

Each party undertakes, when it is informed, in particular by the ICRC, of any allegation of violations of international humanitarian law, to open an enquiry promptly and pursue it conscientiously, and to take the necessary steps to put an end to the alleged violations or prevent their recurrence and to punish those responsible in accordance with the law in force.

6. General provisions

The parties undertake to respect and to ensure respect for the present agreement in all circumstances.

The present agreement will enter in force on 26 May at 24h00 if all parties have transmitted to the ICRC their formal acceptance of the agreement by 26 May 1992 at 18h00.

Geneva, 22 May 1992

Enclosure 6

AGREEMENT ON THE RELEASE AND TRANSFER OF PRISONERS

At the invitation of the International Committee of the Red Cross,

Mr. K. Trnka	Representative of Mr. Alija Izetbegovic, President of the Republic of Bosnia-Herzegovina
Mr. D. Kalanic	Representative of Mr. Radovan Karadzic, President of the Serbian Democratic Party
Mr. S. Sito Coric	Representative of Mr. Mate Bodan, President of the Croatian Democratic Community
Mr. A. Kurjak	Representative of the Party of the Democratic Action
Mr. M. Popadic	Liaison Officer of the Serbian Democratic Party
Mr. M. Mujic	Liaison Officer of the Presidency of the Republic of the Republic of Bosnia-Herzegovina

met in Geneva on 30 September and 1 October 1992,

at a meeting chaired by Mr. Thierry Germont, ICRC Delegate General for Europe,

in the presence of the following observers:

for the Federal Republic of Yugoslavia:

-Ms Olga Lazic-Djerdj

for the Republic of Croatia:
-Mr. Ranko Vilovic

for the United Nations High Commissioner for Refugees:

-Mrs. A.M. Demmer, Director, Regional Bureau for Europe

have agreed on the following:

On the basis of the Agreement of 22 May 1992,

Accepting the good offices of the ICRC to help conclude the agreements to release prisoners in conformity with Chapter IV of the Agreement of 6 June 1992,

/...

Recalling the humanitarian plan of action their leaders accepted in London on 27 August 1992,

The undersigned have accepted the following:

Art. 1 Prisoners covered by this agreement

In this agreement the term "prisoners" means:

(a) all civilians deprived of their liberty for reasons related to the conflict, as defined in Art. 2.3 (2) of the agreement of 22 May 1992, including those interned, detained or subject to assigned residence.

(b) all captured combatants, as defined in Art. 2.4 of the Agreement of 22 May 1992,

including those accused of or sentenced for any crime related to the armed conflict.

Art. 2 Responsibility for prisoners

The parties are responsible for the application of this Agreement in respect to all prisoners held on territories under their control and will therefore ensure central control over all prisoners detained by individuals or local groups.

Art. 3 Release of prisoners

(1) All prisoners not accused of, or sentenced for, grave breaches of International Humanitarian Law as defined in Art. 50 of the First, Art. 51 of the Second, Art. 130 of the Third and Art. 147 of the Fourth Geneva Convention, as well as in Art. 85 of Additional Protocol I, will be unilaterally and unconditionally released.

(2) Each Party will release all prisoners it is holding in any given place of detention as soon as the ICRC so requests on the basis of a specific plan of operation for the release and transfer of the prisoners held in that place.

(3) In particular, the parties accept that the ICRC will draw up specific plans of operation and implement them within 31 October 1992 for the places of detention and via the tentative routings of transfer listed in Annex B, subject to the approval of any third country involved. In each place of detention all prisoners entitled to be released under para. (1) and present on the day of the implementation of the specific plan of operation will benefit from the operation, regardless of the notifications made under Article 6.

(4) The parties will grant the ICRC all the facilities necessary for the implementation of the specific plan of operation and will, in particular, guarantee the security of a transfer on the territory they control, including, if the ICRC so requests, by an armed escort. This is without prejudice to any UNPROFOR escort that might be requested by the ICRC in conformity with UN Security Council Resolution 776.

(5) The parties accept that under specific plans of operation prisoners may be transferred temporarily into neighbouring countries, where UNHCR may be involved in the implementation of such plans of operation, in conformity with its mandate.

(6) Each prisoner to be released has the right to express to the ICRC in a private interview his free will on whether he wishes to be released and transferred according to the specific ICRC plan of operation, or wishes to remain in detention.

(7) For prisoners who are nationals of third States the specific ICRC plan of operation shall always provide for the right to be transferred into their State of origin.

Art. 4 Prisoners not entitled to be released

(1) Prisoners not entitled to be released under Art. 3 (1) shall benefit from the judicial guarantees set out in Arts. 82-108 of the Third Geneva Convention if they are captured combatants, and Arts. 71-76 of the Fourth Geneva Convention if they are civilians. The ICRC shall in particular be informed in each such case of the charge pending against the prisoner.

(2) Even if convicted, such prisoners retain benefits of the treatment provided for in Art. 2.3 or 2.4 of the Agreement of 22 May 1992, depending on their status.

Art. 5 Assistance to the prisoners released and transferred

The parties accept that prisoners re;eased by virtue of Art.3 shall receive, as vulnerable groups, assistance from the ICRC and UNHCR, in accordance with the two organizations' respective mandates.

Art. 6 Notification of prisoners

(1) Each party will notify the ICRC before 7 October 1992 of all prisoners detained in the places of detention listed in Annex A1.

(2) Each party will notify the ICRC before 15 October 1992 of the name and location of any other places where prisoners are being held on the territory under its control and of all prisoners held in those places.

(3) Thereafter, the ICRC shall be notified within 14 days:

(a) of every prisoner captured, arrested, or transferred;

(b) of every new place of detention opened.

(4) The local liaison Officers of the parties will meet at least once every 14 days in a mutually agreed place to exchange lists of all prisoners held in their respective areas.

(5) All notifications referred to in this article and in Art. 9 shall contain at least the following details on the prisoners concerned:

-the name
-first name
-father's first name
-mother's first name and maiden name
-date of birth
-place of birth

Art. 7 Enquiries

(1) The ICRC and any party may ask any other party for information on the whereabouts of a prisoner held by the latter and previously registered by the ICRC in the power of that party, or allegedly detained by that party.

(2) The ICRC and any party may ask any other party about the location of any alleged place of detention and to be notified of any prisoners held there.

(3) The party approached will make any internal enquiries necessary to obtain the information requested.

Art. 8 ICRC access to prisoners

The ICRC shall have free access to all prisoners and may make a census of the population of any place of detention with a view to drawing up a specific plan of operation as provided for in Art. 3.

Art. 9 Notification of releases without ICRC involvement

In the events of any release, transfer, repatriation or exchange of prisoners in which the ICRC takes no part, the ICRC will be notified of all the prisoners concerned.

Art. 10 Right to return

Any prisoner released in or transferred to an area other than that of his or her former residence retains the right to return home at a later stage if he or she wishes to do so.

Art. 11 Validity of documents

(1) Any document, including a document renouncing or transferring property rights, assets or claims, signed by a prisoner who is to be released or transferred has no legal validity and does not in any way affect that prisoner's rights or obligations.

(2) Paragraph (1) is also applicable to documents signed by civilians to be transferred to an are other than their area of former residence.

Art. 12 Activities after release

The parties undertake not to recruit prisoners released and /or transferred under this Agreement in their armed forces or groups and to take all feasible measures that such prisoners do not take direct part in hostilities.

Geneva, 1 October 1992

UNITED
NATIONS

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Security Council

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S/25393
10 March 1993

ORIGINAL: ENGLISH

LETTER DATED 9 MARCH 1993 FROM THE DEPUTY PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit the enclosed sixth submission of the Government of the United States of America as requested by paragraph 5 of Security Council resolution 771 (1992) and paragraph 1 of Security Council resolution 780 (1992).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Edward S. WALKER, Jr.

Annex

Supplemental United States submission of information to the United Nations Security Council in accordance with paragraph 5 of resolution 771 (1992) and paragraph 1 of resolution 780 (1992)

1 March 1993

This is the sixth submission by the United States Government of information pursuant to paragraph 5 of Security Council resolution 771 (1992) relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia. As in our previous reports, we have focused on grave breaches of the Geneva Conventions and, in accordance with resolution 771, have provided information that is "substantiated", that is, which rests upon eyewitness testimony directly available to us or that includes detail sufficient for corroboration.

We have tried not to duplicate information provided to us from other countries and non-governmental sources, which we understand will submit reports pursuant to resolutions 771 and 780. The United States has further information substantiating the incidents included in this report, which we will make available on a confidential basis directly to the Commission of Experts, established under Security Council resolution 780.

In accordance with paragraph 1 of resolution 780, the United States intends to continue providing reports as additional relevant information comes into our possession. As in our previous reports, the notations at the end of each of the items indicate the source from which the information was drawn.

Enclosure I

FORMER YUGOSLAVIA:
GRAVE BREACHES OF THE FOURTH GENEVA CONVENTION

SIXTH SUBMISSION

WILLFUL KILLING

Jul-Aug 92 A 20-year-old Bosnian Muslim from the village of Harambine, near Prijedor, described his capture by Serbian forces in July and the events leading to the murder of his father and five other men. He was held in Omarska camp for three weeks, from July 20 until August 6. During his time there, he witnessed the deaths of about 20 men. He was then transferred to Manjaca camp, from which he was released to the International Committee of the Red Cross on December 18, 1992.

The witness fled his home on May 23, 1992, when Serbian soldiers attacked. He said his village was the first in the region attacked by the Serbs because they claimed Muslim soldiers from Harambine had killed Serbian soldiers. He fled with his family to the settlement of Ravne, in the nearby village of Biscani, to live with his uncle. On July 20, however, Serbs came to arrest all men over the age of 15 from Biscani. Judging by their accents and the style of caps which they wore, the witness believes that his captors were Montenegrins.

One hundred meters from the house, on the road leading to the center of Biscani, the soldiers stopped the group and searched them for valuables. Another 200 meters down the road, the group stopped again. This time the soldiers ordered the eight men, who had lined up in pairs, to begin beating the man next to them in line. The witness was on the end of the line and standing next to his father, so he was being ordered to begin beating his father. Each of the pairs in the group was similar, with father pitted against son, or brother versus brother.

After a short while, the man in the pair next to the witness refused the soldiers' exhortations to beat his son more fiercely. One of the soldiers then marched the man off the road and into the ditch where he shot him.

By the end of the ordeal, six of the men either refused or were unable to continue beating their kin, and were executed. The witness and the youngest in the group managed to persuade the soldiers to spare them by lying and pleading that they were only 18 years old. The soldiers, however, did beat the two boys badly, and the witness lost a tooth.

The two prisoners continued down the road with the soldiers, leaving their relatives' bodies in the ditch. After 500 meters, they joined a group of over 100 men, all of whom were ordered to lie on the ground with their hands on their heads. They were then beaten for 30 minutes before two buses arrived to take the men to the detention camp. Many of the men never made it onto the buses. The witness described how an elderly cousin of his was asked his age. The man replied, "70," and was told to go home, but 50 meters before the old man reached his house, another soldier shot him in the back.

After four hours, the buses arrived at Omarska camp, a distance of about 20 kilometers from Biscani. All of the men, about 100 in all, were sent to the "white house." The witness was held in the "white house" for two weeks, during which time he was only interrogated and beaten once. But many mornings, on the way to the toilets, he saw bodies awaiting transport or burial.

After two weeks, the witness was transferred to a large hangar, where the majority of the prisoners were held. He saw no beatings here, but guards came to the hall sometimes, calling out a list of names of men who would then be taken away. The witness saw some of them die after returning from their beatings.

On four or five occasions, the men would be lined up for a roll call in the central yard after lunch. As they stood there, someone would begin shooting at the group from a distance. They could hear the bullets whistling through the air. He saw a man killed in this manner, and another who was hit in the ear by a bullet. On August 6, the witness was transferred to Manjaca camp where he said beatings occurred, but where conditions were much better than they had been in Omarska. (Department of State)

Jul-Aug 92 A 40-year-old Muslim male from Matrici witnessed tortures and murders in the Keraterm and Trnopolje camps.

On July 9, 1992, local Serbs and others from outside the area collected all Muslim males from Matrici in groups and marched them to Trnopolje. The witness, one of those rounded up, believes the Serb captors belonged to the White Eagle paramilitary organization and to "Arkan's men". He identified two of the men, both from Gornji Orlovci. The Serbs randomly beat and killed some of the prisoners along the way. The witness saw approximately 25 bodies along the roads and in nearby fields, apparently victims from earlier groups.

Upon arrival at Trnopolje, the men of Matrici were bused to Omarska, then to the Keraterm facility at Prijedor. The men were then confined to rooms so tightly packed that they could sit but not lie down. For the first several days they received no food or water. Following that period, water and an inadequate amount of food was provided.

The witness estimates that due to beatings, torture, or executions by guards as well as other Serbs who were not members of the regular camp complement, about 400-500 prisoners at Keraterm died from early July until August 5, 1992, when about 1,500 inmates were transferred to Trnopolje due to an impending visit to Keraterm by the Red Cross. (Department of State)

Apr-Aug 92 A 22-year-old male from Teslic, about 60 kilometers southeast of Banja Luka, said that in late April and early May 1992 Serbian infantry forces attacked Mostar, forcing the populace to flee into the hills surrounding the city.

Those taken captive were later organized into truck convoys, one of which arrived on June 1 in Gacko. The 15 prisoners in this truck were unloaded in front of the city's hotel, where they were beaten by local Serbs before being put into the hotel's basement. Already incarcerated in the basement were about 100 prominent Muslims of Gacko, including its wealthier businessmen, civic leaders, and teachers, as well as one Croat. Every night, eight or nine prisoners were taken upstairs and interrogated for military information and beaten for two or three hours. About 15 never returned. Through messages passed by secret means, the prisoners learned those who disappeared were buried in a mass grave in Gacko's World War II Partisan Cemetery.

One local Serb guard from Gacko, on the night of June 28, began firing into the basement -- killing one Muslim, Osman, and wounding another.

On July 1, the prisoners were called from the basement in groups of 10, made to pass through a gauntlet of Serb guards who beat them, and then boarded into a large truck. Semad Memic, the 25-year-old leader of the local chapter of the Mlada Bosna (young Bosnian) organization, the youth wing of the Muslim Party for Democratic Action (SDA), was ordered from the truck and shot and killed when he tried to escape. The guards also killed two other Muslim prisoners.

Instead of being exchanged for Serbian prisoners as they had been told, the roughly 100 Muslims were taken to a former Yugoslav Army Reserve Officer training academy in Bileca that was commanded by a Serb from the Sarajevo area. There the prisoners experienced random beatings and were forced to eat from the same cans in which they relieved themselves. Two prisoners subsequently died from injuries received during beatings. (Department of State)

Apr-Aug 92 A 34-year-old Croatian from Sanski Most said that the Serbian oppression of the Muslim and Croatian inhabitants of his town, which had begun in April with the dismissal of non-Serbian police officers, reached a climax on May 23 when a Serbian artillery element of the Sixth Krajiska Brigade began advancing on Muslim areas from the surrounding hills.

The following morning, three- and four-man groups of armed Serbs began arresting male members of Muslim and Croat families. The men were taken to the basement of the police headquarters where they were beaten for days. Some of the men were later released but, of 33 non-Serbian policemen from Sanski Most, 17 were killed there during interrogations. Eight were sent to Manjaca. (Department of State)

20-30 Jul 92 A Bosnian Muslim refugee described the rounding up at gun point on July 20 of the inhabitants of the village of Rizvahovici, near Prijedor, by 100-150 Serbian soldiers. About three-quarters of this force consisted of Serb "Chetniks" and members of the White Eagle paramilitary group, while the remainder were local Serbs, most of whom were well-known to the Muslim villagers. Two Serbs relayed all orders.

The witness, along with other men age 60 or older, was made to wait in a house while the younger villagers and others from the surrounding area were loaded into four buses. During this process, the witness watched through a window of the house as 29 villagers were randomly separated from the younger group and killed by the "Chetniks" and White Eagles.

Nine days later the witness was brought to a Serbian-run detention center in Trnopolje, commanded by a professor from a technical training school in Prijedor. A local Serbian coal worker was second in charge. During the day and night the witness spent in the camp, he saw four Serb soldiers grab a 17-year-old girl and drag her into the bushes. Those inmates within sight of this were forced into the school where they could not see outside. He also observed inhabitants taken out of the camp that night, and then heard gunshots. He never saw these individuals return to the camp. (Department of State)

Jun-Jul 92 A 58-year-old Bosnian Muslim said that a Serbian unit identified as the Sixth Brigade from Sanski Most occupied the village of Sanica Gorija on June 1, 1992, and began rounding up all Muslims between the ages of 18 and 60 for transport to the Manjaca camp. During the witness's time at Manjaca, the camp received hundreds of inmates from various areas of Bosnia including a group of 1,200 Muslims from the Omarska area on the evening of July 19.

The next morning, as the captives were unloaded for processing, Serbian guards used knives to attack and kill 24 of the Muslims. One of those attacked was a prominent 60-year-old businessman from Prijedor. On July 29, a high ranking member of the Bosnian Muslim party was also beaten to death by guards. (Department of State)

May-Aug 92 A 32-year-old male Bosnian Muslim from the village of Kozarusa, near Trnopolje, gave a report on his incarceration at the Keraterm and Omarska facilities.

Following a two-day Serbian shelling of his village commencing May 20, he and the other 200 male inhabitants were rounded up by Serbs, packed into buses, and taken to detention camps including Keraterm, Omarska, and Trnopolje. Women and children were bused to Trnopolje, Zenica, and finally Croatia.

The witness said that those taken to Keraterm were packed so tightly into a building they could not lie down. During their two-day stay, they received neither food nor water. On or about May 23, the Serbs emptied Keraterm and bused about 300 captives to Omarska.

At Omarska, a Bosnian Serbian army officer on several occasions beat prisoners when he interrogated them. The witness identified a taxi driver from Prijedor as the most vicious guard. During the initial period two old men died after being beaten. Other prisoners were taken out nightly and shot by executioners who wore stocking caps to avoid recognition. Many prisoners also starved to death at Omarska.

The witness said that on June 25 about 100 inmates were transferred to Trnopolje. Other beatings and killings continued at Trnopolje. The witness estimated that 50 to 60 prisoners died at this facility every day. (Department of State)

May-Aug 92 A 44-year-old Bosnia Muslim from Prijedor Bosnia gave the following report based on his personal experience as an inmate at the Keraterm prisoner camp, from May to August, 1992:

Keraterm Camp was commanded by a 32-year-old Serbian male from Prijedor who had previously been employed at the Celuloz Paper Mill. The guard who first checked arriving prisoners at the camp was almost always a brutal 22-year-old man known only as "the cook" because of his previous occupation at a restaurant in the Sarajevo Agricultural Bank building in Prijedor. He routinely stripped incoming prisoners of their jewelry and money before beating them with metal pipes or thick wooden sticks, often breaking bones. He also personally participated in the mass execution of nearly 400 men in the prisoner's courtyard in the early morning hours of July 19, 1992.

Also notorious for his brutality in the greater Prijedor area and the most-feared man at Keraterm was a taxi cab driver who drove a beige-colored Polish PZ125 taxi with Prijedor registration. Though not assigned to Keraterm prisoner, he freely participated in beatings, shootings, and the fatal torture of prisoners from the day Keraterm opened until its closure. (Department of State)

28 May - 26 Jul 92 A 60-year-old Muslim farmer from Modrica, in northern Bosnia, described the looting and burning of all non-Serbian properties in the village. The Catholic church was demolished by tanks and the 500-year-old mosque was dynamited.

There were also three mass killings perpetrated by Bosnian Serbs, the first of which occurred about 100-200 meters from the power/transformer station. The victims were buried at the site by a bulldozer. The second mass killing took place near a second power line and transformer station, where the victims also were buried at the site. The third mass killing was performed behind the "Sutjesk" Junior High School on the Serbian side of Modrica. Again, the victims were buried at the site. (Department of State)

22 Jul 92 A 31-year-old Bosnian Croatian from Teslic, Slatina, witnessed drunken Bosnian Serb militiamen beat to death about 50 Muslim and Croatian prisoners in a local stadium on or about July 22, 1992.

Four or five soldiers, wearing red berets and green uniforms and from the so-called "Crveni Barek" militia group, picked up the witness and his friend, Anto Bavic, on July 12 in Teslic. Both he and his friend, whose names were on the soldiers' list, were taken to a large, local government house called Stara Opstina, where all the rooms and the cellar were packed with Croatian and Muslim prisoners.

The witness described several beatings he received at this site, as well as forced labor. On July 14, he and his fellow prisoners were transferred to a local stadium.

On the morning of July 22, a group of about 25 drunken Serb soldiers arrived at the stadium. The Muslim and Croatian prisoners were lined up as usual. At about 6 a.m., the soldiers began calling names from a list. One by one, the respondents went forward, and were beaten and stabbed to death by as many as 10 Serbs at a time.

About 50 prisoners were killed by soldiers who over a period of two to three hours took turns drinking and murdering. Many of the victims, including 16-year-old Grgic Slavko, were mutilated with spikes, but the killers used anything they could lay their hands on.

The witness's friend, Anto Bavic, was machine-gunned to death when he refused to step forward and be butchered. Mrgan Grfic, aged 37, was beaten to death with a baseball bat, and 27-year-old Jozo Gabic's right eye was removed with a knife before his throat was cut.

The witness was able to escape in August, though not without being shot in the leg by guards trying to stop him. (Department of State)

Jul 92 A 48-year-old Muslim from Sanica Donja, near Kljuc, witnessed the occupation and shelling of that town and the decapitation of about 100 prisoners in Tomina.

Following a siege of about one month and an initial occupation of Sanica Donja, regular Yugoslav National Army troops again re-entered the village on about July 3, 1992. Starting at one end of the village and going from house to house, they took all the men hostage and used them as a human screen as they went through the village.

The witness believes these JNA forces were from the Sixth Krajina Brigade headquartered at Palanka. They were local Bosnian Serbs and their regular JNA uniforms bore a Yugoslav flag on shoulder and hat. A red ribbon was displayed on the pocket.

The roughly 32 men who were taken prisoner, including the witness, were marched to the nearby village of Jerzerce, where they were loaded into a canvas-covered truck and transported to Sanski Most. At around noon the truck stopped at the Ojedinostvo school in Tomina; the rear canvas was lifted and the prisoners could see the square in front of the school.

Two livestock transport trucks were parked on the square. Male prisoners were brought out of the school three at a time by soldiers and were walked over to three other soldiers near the trucks. These soldiers laid the prisoners down and cut off their heads with a curved knife about 30 centimeters long. Four men in civilian clothes, apparently prisoners, then loaded the heads onto one truck and the decapitated corpses into the other. During the hour the prisoners' truck was parked in the square, about 100 prisoners were brought out of the school and decapitated.

From Tomina the prisoners were driven to the municipal gymnasium at Sanski Most, where they remained 11 days without food. During this time two prisoners were taken each night to the police station for individual interrogation. During the witness' interrogation, two policemen alternately asked questions and beat him with shovel handles, hit him in the stomach, and kicked him when he fell.

On about July 14, four large livestock transport trucks with trailers moved all the prisoners from Sanski Most to Manjaca. Because of malnutrition and dehydration, combined with the extreme heat in the trucks, about 18 people died before reaching Manjaca.

Upon arrival at Manjaca the group of prisoners were addressed by the camp commandant, a lieutenant colonel in the regular JNA, with a husky build and white hair; from his dialect he appeared to the witness to be a Macedonian. He wore no insignia indicating branch of service. Apparently as an example to the prisoners, four soldiers brought two men to the front and beat them with ax handles.

Each morning at about 6 o'clock guards came through the stables where the prisoners were housed, randomly beating them. Every night two to five prisoners were taken by the guards for interrogation. Those called were mostly wealthy people and intellectuals; at least two of them died as a result of their beatings. One pharmacist returned with broken ribs. (Department of State)

22 Jun 92 A 24-year-old Muslim housewife from Agici said that on June 22, 1992, at approximately 7 p.m., a group of about 50 Serbians from the village, which is some 4 kilometers from the Japra River, forced their Muslim neighbors out of their homes.

The Muslims were marched to a graveyard about one kilometer from the village in the direction of the Japra valley where the men were separated from the women and children. There, the Serbs began beating and taunting some of the Muslims; they shot and killed one Muslim 28-year-old man, Fadic Ekic.

Around midnight, two farm tractors with trailers were brought to the graveyard and transported the women and children to Urije Street in Bosanski Novi. There they were taken out of the trailers and ordered to turn over their valuables on threat of death. After the vehicles left, the group appealed to residents for housing and were taken in. They stayed in Bosanski Novi for one month before departing for Karlovac and eventual safety in another country.

The 25 men who remained at the graveyard and two Muslim men who had been made to drive the tractors transporting the women and children to Bosanski Novi, were never seen again. A Serbian backhoe operator later told the women that he had been sent to the graveyard to bury the bodies of the men, who had been killed after first being forced to dig their own graves with their bare hands. (Department of State)

28 Apr - 15 May 92 A 58-year-old Muslim male from Blagaj-Japra made the following report:

On April 28, 1992, Bosnian Serb forces took about 12,000 Bosnian Muslim men, women, and children from the surrounding area to Blagaj-Japra near Bosanski Novi. Two hundred Muslim men, whose names appeared on a list of those whose sons and brothers had joined the fighting against Bosnian Serbian forces, were taken to an open field next to the Alici school building, where they were lined up and executed by fire from automatic weapons.

The order for the executions was given by a Bosnian Serb from Rakovac, Bosnia. Some of the irregular soldiers who carried out the massacre were local Bosnian Serbs identified by the witness.

The Bosnian Serb forces subsequently withdrew to positions in the nearby hills encircling the town where for five days they periodically fired at the village with heavy weapons and machine guns. The numbers of dead and wounded were not known but all buildings in the village were heavily damaged.

On May 12, the Bosnian Serb forces re-entered the village and took the survivors across the Sana River for transport by cargo train. At no time on the train did they receive food or water. The train then went to Banja Luka, where it remained for two days before departing for Stanari on the morning of May 15. At Stanari, women, children, and men over 60 were taken off and sent to Croatian-held Duboj on foot.

Those men remaining on the train were taken back to Bosanski Novi, where the stadium had been turned into a detention camp. The witness said that food provided to the prisoners consisted only of soup given once a day. Prisoners were also tortured during interrogation at a nearby hotel; some prisoners taken for interrogation never returned. (Department of State)

30 Apr 92 During the assault by Serbian forces on the region of Foca, a 50-year-old male Bosnian Muslim from the village of Odzak witnessed 24 fellow villagers killed as they stood begging for mercy. Their bodies were then thrown into nearby cisterns located at an unfinished airfield. (Department of State)

6 Apr 92 A 43-year-old Bosnian Muslim witnessed murders by Bosnian Serb militiamen.

On April 6, the witness fled Divic in the hope of finding greater security at Hasim Hadzivdic's home in Zvornik, a few miles to the north. When Bosnian Serb militiamen arrived there as well, he ran into the woods behind Hasim's home, after failing to convince Hasim to flee with him. Hasim felt he had to stay because his wife was disabled and could not have kept up.

At about 4 p.m., from a hiding place behind a nearby shed in the woods, he saw a group of "Arkan's soldiers" approach Hasim's house. He recognized one of them as a local "secret policeman." The police, carrying a list, went into the house and came out with Hasim and a 74-year-old neighbor.

The witness was close enough to hear the police demand to know where Hasim hid his money. In the middle of the discussion, shooting started inside the house. Moments later, Hasim's wife was brought out, bleeding from her head, nude from her waist up. She was dragged past her husband, the neighbor and their interrogators, and into a waiting car.

The Serb police continued questioning Hasim, now demanding to know where Hasim and other local Muslims were hiding their guns. When Hasim pleaded "Where should I get guns from?" the police abandoned the interrogation and ordered a Serb soldier at his side to "slaughter him." The nearby soldier grabbed Hasim by the mouth, yanked his head back, pulled out a large knife, and cut Hasim's throat open. The elderly neighbor fainted immediately. The same soldier stepped on the old man's chest and slit his throat too.

The police and his accomplice then moved to the next house, which was already being searched by other members of Arkan's militia. Sehic Hakija, an old man sick with cancer, was waiting outside, along with his son. Hakija tried showing his medicine as proof of his illness, but the same soldier who had just murdered the two men next door similarly cut the throats of Hakija and his son. The witness said that 46 people were killed during that one hour by Arkan's men. (Department of State)

Jun-Jul 91 A 54-year-old Bosnian Muslim female resident of the village of Zecovi, near Prijedor, gave the following report based on her experience in that village:

On June 23, 1991, all males in Zecovi aged 16 or older were rounded up. Some were killed on the spot while others were taken to unknown locations. She identified the local Serbs responsible for the roundup and killings (and later those of their wives and children) and the looting and destruction of their victims' property. (Department of State)

TORTURE OF PRISONERS

Aug-Dec 92 A 30-year-old woman described her experience as a Serbian prisoner for four months in the town of Vogosca, near Sarajevo.

On the nights of August 19, 1992, at approximately 10 p.m., a large group of Serbian soldiers in uniform, carrying pistols, entered the witness's apartment building. The soldiers had been going around to neighboring apartment buildings looking for Muslim names on the doorbells.

The soldiers found the witness and other building residents in the basement, where they separated the Muslims from the Serbs. Four of the soldiers accompanied the witness to her apartment. There, they hit her with a gun while asking her the whereabouts of her husband, and looted the apartment -- taking what they wanted and destroying much of the rest. She was then told to pack. She said the Serbs went into every Muslim apartment building in the area ordering Muslims out of the buildings.

The Serbian soldiers loaded the witness, her son, four other women, and another child into a truck. They were taken to a motel in Vogosca, 15 kilometers from Sarajevo, where they joined a group of about 40 Muslim women, aged 18 to 40, and two 16-year-old girls. The witness remained at the motel from August 20 to December 10, 1992.

The day she arrived at the motel, the witness was taken to speak with the soldiers' commander, who demanded information about her husband and brothers in the army. The commander kicked her and struck her head with his hands. She said she was not beaten for a prolonged time on the first occasion, but that she was beaten 12 times in the first month.

She was raped twice between late September and mid-October, the first time by two drunken soldiers, and a second time by three other men. The soldiers who raped her were assigned to the camp.

In the motel, all the women slept in one room. Soldiers, usually drunk, would come to the room at night to select their victims and take them upstairs to be raped. Victims were chosen randomly. She believes every woman at the motel was raped at least once.

The witness provided the names of two of the five men who raped her and the aliases of two more of the men. She and her son were able to leave the camp, according to her husband, because of a prisoner exchange. Her family was later reunited in Hungary. (Department of State)

Jul 92 A 15-year-old Bosnian Muslim girl from Kozarac described being gang-raped by at least eight Serbian soldiers and guards near Trnopolje.

The witness was in high school when the Serbian forces took charge of her town of Kozarac. She fled on foot into the surrounding woods but was later captured and imprisoned in the Trnopolje camp.

Three days after her arrival at the prison, she went with a large number of women and other girls to fetch water from a well about 50 meters from the prison gates. Returning from the well, Trnopolje guards held back six girls, including the witness, and stopped them from re-entering the prison gates. They were then joined by four more female prisoners.

Prison guards took the 10 girls to a house across the meadow. They were taken to the side yard of the house, out of sight of the roadway. Thirty Serbian soldiers -- including "some dressed like a tank crew" -- were there and they taunted the girls, calling them "Turkish whores." The girls were ordered to undress or have their clothes pulled off. When three of the girls resisted or hesitated, the guards cut off their clothes with knives.

The Serbian soldiers told the naked girls to parade slowly in a circle. The men sat at the outside of the circle -- smoking, drinking, and calling out foul names. The witness estimates the "parade" lasted about 15 minutes.

Three soldiers took one girl -- one to rape her while the two others held her down. The three men took turns. A soldier approached the witness and mocked her, saying he had seen her before. Though she did not recognize him, he pulled out a photo of the witness with her 19-year-old Muslim boyfriend, whom he cursed for being in the Bosnian Territorial Defense Forces.

The man with the photograph raped her first. The witness said she fought and pulled his hair, but he bit her and hit her face. Her lips bled. He hit her hard with the butt of his gun on her cheek, causing extreme pain. Another rapist ran the blade of a knife across her breasts as if to slice the skin off, leaving bleeding scratches. After that, she was raped by eight more men before losing consciousness.

When the witness regained consciousness, a Trnopolje guard who had attended her school came along and broke up the gang rape. As this guard and the witness headed back towards the gates of Trnopolje camp, the witness said the guard called back to the soldiers and other guards, "Remember, you will be accountable for this!"

Soon after, the witness and her relatives were among a group of Trnopolje prisoners released in exchange for Serbian prisoners at Maglaj. (Department of State)

Mar 92 A 17-year-old Bosnian Muslim girl gave details of her detention with about 60 women and girls in a forest motel, where the prisoners were raped over a period of four months.

Serbian forces on March 3, 1992, captured the witness's town in the vicinity of Teslic. She said the soldiers talked with a strong Serbian dialect, including colloquialisms. Some had the White Eagle insignia on their uniforms.

Some of the Serbian forces who burned and looted the houses in the town were drunk. One of the drunk soldiers hit the witness's mother, calling out that Muslims would regret the day they were born.

The prisoners were taken to a motel complex of small cabins located in the forest about five hours away on foot from their hometown. Some cabins were used as sentry boxes. The whole motel complex perimeter was fenced off with barbed wire. Hundreds of old men, women, and children were prisoners at the motel complex.

Upon arrival, the witness was separated from her mother and sister. She never saw them again. She said the soldiers "raped us every night." Most nights, 20 soldiers came to the motel. The female prisoners were forced to strip, then to cook for the soldiers and serve them. Each girl or young woman was raped by several soldiers, with several victims in one room at a time. The witness experienced and saw so many rapes that she could not give an estimate of the number.

One night, the Serb brother of one of the girls helped 12 girls, including the witness, escape the motel complex. Two of the escapees were later found and returned to the prison. The 10 others spent several days hiding in improvised underground shelters in the forest.

The witness identified the most ruthless of the rapists, a man who raped 10 year-old girls "as a delicacy." She saw many of the younger females die from the rapes. (Department of State)

17 Nov 91 - Apr 92 A 48-year-old male Muslim captured at Vukovar on November 17, 1991, described the brutal mistreatment and constant beatings at the Stajicevo camp south of Zrenjanin, Serbia, manned by Serbian reservists. While interned there he was ordered by an officer known as Captain Dragan to kiss a Serbian paramilitary emblem. When he refused, Dragan cut the left side of his mouth and stuck the emblem between his teeth. When he refused again, Dragan dug out three of the prisoner's teeth with a knife from which the prisoner bears a four-inch scar on the left side of his face.

On another occasion, the prisoner was taken to a small room where he was strapped into a leather chair. Clamps were attached to his fingers and electricity was introduced by a guard turning a dimmer switch. When the prisoner began to quiver, the guards roared with laughter and increased the power. Just before he passed out, water was thrown in his face and the process began again.

Others were tortured in like manner. The witness identified the Serbs who were known among inmates for their brutality. (Department of State)

Nov-Dec 91 A 32-year-old Croatian male from Borovo Naselje, Croatia, described the torture he and others suffered at the Stajicevo detention facility near Zrenjanin. At about 1 p.m. on November 20, 1991, Serbian forces surrounded the new shoe factory in the town of Borovo Naselje and forced the surrender of approximately 3,000 men, women, and children who had taken shelter in the building's basement. These forces included six T-55 tanks and two armed personnel carriers along with special troops from a guard unit from Belgrade.

The witness, along with some 1,500 other males, was sent to the Stajicevo camp at a farm near Zrenjanin. On November 29 he was severely beaten several times during interrogation. He identified some of the guards. (Department of State)

Sep 91 A 43-year-old Croatian male from Glina, Croatia, said that while attempting to escape to Sisak during the second shelling of Petrinja, Croatia, the JNA captured him and 30 other Croats and took them to the Petrinja internment center located in the former JNA camp known as Vasil Gacesa. The next morning, 26 members of the group were released. The witness was one of five who were not released.

The witness provided detailed information on one incident in which a prisoner was repeatedly beaten in an apparent effort to extort a confession. He identified four interrogators who participated in the first beating. That evening the prisoner was told his confession was not acceptable and he was beaten again by the camp's commander, a JNA major, and four unidentified JNA soldiers until he promised to write a second confession.

Prisoners at Petrinja were also forced to perform burial details in mass graves. The witness described two such burials, involving 40 and 18 bodies, respectively. Because the corpses were in a state of advanced decomposition, the witness could not determine the cause of death. (Department of State)

ABUSE OF CIVILIANS IN DETENTION CENTERS

Jan 93 — A 23-year-old married Muslim female reported that she had been held through the first week of January with 600 women and girls in a gymnasium at the Doboj Middle School complex in north-central Bosnia.

The witness and other women were taken out in groups of 40 each day. Each woman was led to an individual classroom in the school and raped, then returned to the gymnasium. She said the guards told them they were being held for the purpose of "making Chetnik babies." (Department of State)

13-14 Aug 92 — A 25-year-old Bosnian Muslim from the village of Dabovci, southeast of Banja Luka, described the August 13, 1992, arrival and occupation of her village by Serbian forces.

Serbian forces rounded up women and children, as well as the few remaining men who had not gone off to fight. The women were taken toward the house where the Serbian forces had established their headquarters.

After a short while, a large, tarpaulin-covered truck arrived and took her group away. The witness estimates there were approximately 60 women and children in her group. The truck took the group to a lumber factory in Kotor Varos -- she thought it was the Vrbanja factory -- and the women and children were forced into the factory's cafeteria. When a similar-sized group from another village arrived, the two groups were consolidated and moved from the cafeteria into a large, unfinished hall.

During the late afternoon and early evening, the witness observed the repeated beating of a man in front of the group of women and children. Though the victim had documents that theoretically allowed him to leave Kotor Varos, he was half-Croatian and half-Serbian. The guards kept referring to his parentage as they beat him. She never saw the young man again after she left Kotor Varos.

When it began to get dark, the guards began to pick out women and to take them out of the hall. The witness said the ages of the women selected ranged between 16-35. Some women were taken to an alcove or room off the large hall where she and the others were being held. Though she could not see what was happening, she said the cries and screams of women were clearly audible, as was the laughter of the guards.

The witness cannot remember the exact time when the guards came for her. But two guards eventually walked up to her and told her to leave her child behind and follow them. She was taken to the alcove and told to undress. When she refused, two other guards joined in and told her she had the choice of undressing willingly. When she again refused, she was hit on the back with a gun. When she fell to the floor, the guard whom she assumed to be the leader of the group started to pull off her clothes and raped her.

When he finished, he told the other guards to leave her alone and to let her go back to her child. But after this guard left the alcove, the remaining four or five guards kept her there and continued raping her. When she left the alcove, she was warned not to tell anyone what had happened.

When the witness returned to the large hall, she joined her mother-in-law, who had been taking care of her baby. She was bleeding and totally dishevelled and very ashamed to be seen in that state. Her mother-in-law told her that while she was gone another five to six young women had also been taken out. The witness then noticed about 15-20 women who were in the same physical state that she was.

Sometime later, the witness was taken to the second-floor offices of the factory by a guard. She was told to keep her head down. While doing so, she thinks she counted about 10 pair of shoes in the circle of men surrounding her. She was told to undress. When she refused, she was hit about the face. The raping then began. She cannot remember anything after the fifth or sixth man raped her. Up to that point, however, she had noticed that some of the men were wearing camouflage suits, some were in the local police uniform, and some wore at least parts of special forces uniforms. She recognized a high school colleague among those who raped her.

They eventually allowed her to go back to the main hall. She was bleeding badly and was very dizzy. She fell down the stairs coming out of the factory offices. She eventually made her way back to her mother-in-law and child. She was not bothered for the rest of the night; other women, however, were taken throughout the night and came back bleeding or barely able to walk.

Throughout the evening the witness noticed a steady flow of guards and soldiers into the factory. The newcomers were not coming to guard the detainees but were going into the alcove and, she assumed, into the factory offices. These newcomers wore different uniforms than the factory guards.

Her group was moved out of Kotor Varos during the afternoon of August 14. Two medium-size buses were waiting to transport them to Mount Vlasic, from where they were supposed to make their way to Travnik. Her group of approximately 60-70 persons drove along the Banja Luka route. The buses were repeatedly stopped and boarded by "Chetniks" demanding money and jewelry. When the buses arrived at Vlasic, the women and children were made to get off and walk until they arrived in Travnik. (Department of State)

9 May - 8 Aug 92 A 27-year-old male Muslim refugee from Crna Rijeka who was in Blagaj on May 9 made the following report:

At about 8 a.m. on May 9, 1992, two busloads of Serbian soldiers and a tank passed through that town in the direction of Maslovar. The tank then turned around on the road facing Blagaj while the troops fanned out into the woods on either side and began firing "dumdum" bullets toward the town in an effort to force the Muslims from their houses and toward the Japra and Sana rivers. Approximately 60 people were killed during this incident.

On the bridge over the Japra and Sana rivers, about 20 soldiers forced fleeing people to throw their valuables and other belongings onto a pile before allowing them to cross. Once across, they were herded into a fenced-in area on the grounds of the "Japra" factory. During this period, one man was beaten with rifle butts and then shot in the stomach when he was overheard to say that he recognized one of the "Chetniks."

After about three hours, the men were separated from the women and children, who were loaded aboard cattle cars of a waiting train. The men were lined up and seven names were read from a list. Three of these men were located and loaded into a police car from Bosanski Novi. They were never heard from again.

The remaining men were then loaded onto a train and more names were called from a roll. Those men were taken from the train and immediately killed in front of the prisoners. Two of those killed were Sifet Bajrektarevic, a member of the SDA, and Hasan Merzihic.

The following day the train stopped in a forest outside of Doboj, where about half of the men over age 60 were separated into a group with the women and children; the rest of the men were loaded into separate trains. The men's train proceeded to Banja Luka and eventually arrived at Bosanski Novi on May 12. Though no one was murdered during the 45 days the men spent at Bosanski Novi camp, maltreatment occurred continually, its greatest manifestation being the extreme shortage of food. (Department of State)

Spring 92 A 32-year-old Bosnian Muslim woman from the vicinity of Teslic was forced out of her job when Banja Vrucica came under Serbian authority. Left with no source of income, she went to stay with Serbs she knew near Banja Luka. They did not treat her badly, but she felt herself a burden and decided to try to go to Zivinice.

When she reached the town of Doboj, the witness met an older woman who directed her to a Serbian Red Cross refugee camp, which held 160 Serbs and 20 Muslims and Croats. The latter 20 were treated as prisoners. For four days, the Serbian Red Cross authorities refused to issue her a food certificate. She ate nothing during the four days.

The witness managed to meet the camp secretary, a Serb, who helped her to obtain food. Later she witnessed this man being beaten for helping people. Other Muslim and Croat women informed the witness that she could sign up at the police station to qualify for a prisoner exchange, to leave Serbian-occupied territory. She and another Muslim girl did so.

At about 8 p.m. that night, two armed soldiers came to camp and showed the two women a notebook with their names written in it. The soldiers' uniforms had the initials "SMP" on them. They took the women to Pijeskovi, a section of Doboj, where Serbs had seized the apartments of Croats and Muslims. In a two-room apartment, the soldiers raped the two women the entire night, until 7 a.m.

At the Serbian Red Cross camp, the witness observed the soldiers coming nearly every day to take away women in the evenings. Every soldier had the initials "SMP" on his uniform. They took the witness to the apartments at Pijeskovi regularly, about every two to four days. Usually four soldiers would rape her throughout the night; on one occasion, eight men raped her.

The witness managed to get out of the camp and to reach Zivinice. (Department of State)

IMPEDING DELIVERY OF FOOD AND MEDICAL SUPPLIES TO THE CIVILIAN POPULATION

20 Feb 93 Serbian forces in Borike halted a convoy of UNHCR trucks carrying emergency supplies to the Moslem community of Zepa. (Reuters)

17 Feb 93 Serbian militia blocked a 10-truck UNHCR convoy, which had left Belgrade the previous day, from reaching the Muslim town of Gorazde. They also continued to block another UNHCR convoy from reaching the Muslim town of Cerska. (Paris AFP)

6 Feb 93 Serbian forces hit a German relief flight with anti-aircraft fire. The C-160 was at 9,000 feet and just south of Karlovac when the anti-aircraft fire hit near the right engine housing. The German loadmaster was seriously wounded in the abdomen.

UN peacekeeping troops witnessed the Serbs shooting at the German plane with a 23-millimeter anti-aircraft gun set up in Kosijersko Selo. (Department of State) (The New York Times) (Reuters) (Paris AFP) (Bonn DDP)

2 Feb 93 Unidentified forces at 2:50 p.m. shelled a UN convoy just outside Mostar, led by personnel from the Danish Refugee Council and escorted by two Spanish UNPROFOR armored personnel carriers. One Danish official was wounded seriously; his Croat interpreter was killed. The Danish workers were associated with an eight-truck convoy that was returning to Metkovic, having completed delivery of supplies to central Bosnia. The UNHCR suspended the convoy, pending an investigation into the incident. (Department of State) (Reuters)

Jan-Feb 93 Bosnian Croatian forces at the end of January and beginning of February impeded some international aid supplies (not UNHCR or ICRC) from reaching Muslim populations around Jablanica and Travnik.

"Croat officials also have harassed international relief workers, confiscated their vehicles and sought to dictate how humanitarian aid is distributed in an attempt to limit the share reaching Muslims, according to relief organization sources" in Mostar. (API) (The Washington Post)

24 Jan 93 Unidentified snipers shot at a UNHCR driver while the relief worker was driving through Stup. Unidentified forces turned back a Danish UNHCR convoy in the vicinity of Kacuni and challenged the British UNHCR escort. (Department of State)

14 Jan 93 Unidentified persons inside the hospital in Kosevo shot at a UNHCR convoy delivering fuel to the hospital. (Department of State)

13 Jan 93 Small arms fire in the town of Gorniji Vakuf killed a British soldier serving with the British force protecting aid supplies in Gornji Vakuf. Five British UN troops have been wounded by gunfire in Bosnia-Herzegovina since September 1992. (Department of State) (Paris AFP)

DELIBERATE ATTACKS ON NON-COMBATANTS

18 Feb 93 Bosnian Serb gunners fired five tank shells from Sarajevo's Mrkovici Heights into the neurological surgery and pediatric surgery units of Kosevo Hospital. In addition, 20 shells damaged two other units in the hospital complex. (Paris AFP)

11 Feb 93 Heavy shelling between Bosnian army and Serb troops caused the closing of the Sarajevo airport. The airlift operation from Zagreb was also suspended because a British aircraft experienced two radar lock-ons.

The shelling at Sarajevo airport killed one French UNPROFOR soldier and wounded three others. (Department of State) (Paris AFP)

28 Jan 93 Bosnian Serb forces detained 21 UNPROFOR civilian police in a hotel in Benkovac. The Serbian militia were using UN police as a shield against Croatian artillery, according to the UN Secretary-General. Though the Serbs claimed this move was taken "for their safety," the officers were kept on the hotel's top floor, in the line of fighting. (Department of State) (Paris AFP)

27 Jan 93 An unidentified assailant seriously wounded a UNHCR logistics assistant at Sarajevo airport. With a bullet wound to the leg, he was evacuated the next day by a French aircraft, which in turn was threatened by small arms and mortar fire prior to take-off. (Department of State)

The UN High Commissioner for Refugees narrowly escaped injury when unknown snipers fired at the convoy in which she was riding in Sarajevo. The automobile caravan was attacked enroute to the residence of UNPROFOR Commander Morillon, and a lead car with journalists was hit twice. (Department of State)

27 Jan 93 Serb militiamen drove out a Kenyan UNPROFOR contingent, which had been threatened earlier by Croatian forces, retook the Peruca hydroelectric dam located near the town of Sinj, and blew up a bridge constituting part of the dam works. Water began pouring through cracks in the structure, endangering the lives of 20,000 people living in the valley below the dam. (Department of State) (The Washington Post) (The Sun)

25 Jan 93 Unidentified snipers killed two French soldiers and wounded three others in Karin, near Zadar. (Department of State) (Paris AFP)

Jan 93 Bosnian government forces fired on two UN crews, as the latter tried to restore electric power in Sarajevo, according to a UN spokesman. (The Washington Times)

17 Jan 93 Bosnian mortar fire from Hrasnica -- a Bosnian-held suburb of Sarajevo -- wounded three French UNPROFOR soldiers who were manning a checkpoint at Sarajevo airport. (Paris AFP)

Apr-Aug 92 A 43-year-old Bosnian woman from Mostar said that on April 10, 1992, an unidentified JNA unit from the South Camp in Mostar had arrived at the cigarette factory in that city with six tanks, which opened fire with machine guns. The factory's Serbian engineering economist issued orders to the JNA unit. All factory employees were ordered out onto the street where all non-Serbian males were separated out and taken to South camp, while the women were ordered to remain home.

At 6 p.m. on May 1, a JNA unit approached two apartment houses belonging to the cigarette factory and located on its grounds. They opened fire with machine guns. A resident called the United Nations and Red Cross offices located in the "HIT" department store; shortly after, one JNA Special Forces soldier wearing a camouflage uniform with a black scarf tied around his head and two Airborne Military policemen arrived. The witness judged by their accent that they were from Montenegro. The Special Forces soldier kicked in an apartment door and, threatening the occupants, asked about the phone call to the UN representative. A short time later, a group of JNA soldiers arrived and began to tear apart the apartment searching for weapons.

The following evening, a group of Serbian civilians wearing paramilitary uniforms came to the two apartment buildings and took away 10 men. A senior paramilitary officer told his men they could choose any women they wanted for their entertainment. Many apartments in both buildings were set on fire by tracer rounds fired by tanks of the unit. (Department of State)

OTHER, INCLUDING MASS FORCIBLE EXPULSION AND DEPORTATION OF CIVILIANS

17 Feb 93 Bosnian Serbs showed Belgrade-based foreign journalists 35 bodies thus far exhumed from a grave site discovered the previous day near the village of Kamenica, 20 kilometers south of Zvornik. The Serbs found two other grave sites, including one in a frozen pond containing 16 more bodies.

Serbian pathologists, including a member of the Medical Military Academy of Belgrade, claimed the 35 bodies were Serbian fighters and civilians killed in November. There had been a Muslim offensive in the area on November 6, 1992.

As of the time of this report, it is not clear that the grave site contains evidence of atrocities. (Department of State) (Paris AFP)

Feb 93 By blocking relief supplies and general access, Serbian militia have starved Muslim refugees out of Cerska, Zvornik, and Kamenica -- forcing them to move recently to the Tuzla area of northern Bosnia. According to a UNHCR spokeswoman on February 9:

> "They are horribly malnourished, they have severe frostbite and they are showing signs of scabies, head lice, and war wounds. We have 50 severe cases of frostbite. Some of them are losing their fingers and their toes." (Paris AFP)

Jan 93 Bosnian Serb authorities announced on January 25-26 that the approximately 6,000 Bosnian Muslims resident in the town of Trebinje and the surrounding area had three days to sell all of their property, and to leave the area no later than February 15. The authorities said they could not guarantee the safety of the Muslims living in the Trebinje area after January 29-30, 1993.

> "I saw Serbian families already starting to occupy Muslim houses," reported a 33-year-old woman from Trebinje. "Men in khaki uniforms with Serbian-flag shoulder patches came to our house. The men told me they would kill my 3-year-old daughter unless we moved out."

International officials confirmed on February 1-2 that about 5,000 Bosnian Muslims had already been forced to leave the Trebinje area. Those refugees who had not sold their property were required to sign documents turning it over to the Bosnian Serb authorities before leaving the Trebinje area. (Department of State) (New York Times)

Apr 92 A 34-year-old Muslim male said that shortly after Bosnia declared its independence on April 8, the head of the local branch of the Serbian Democratic party (SDS), became leader of the Foca area Serbs and ordered that the Muslim population of the city be rounded up and deported to various camps.

Muslims and Croats were picked up 100-200 at a time and held for a few hours at local high schools before being sent to various camps. The first taken were intellectuals, city officials, and police officers. Later, entire families were removed from their houses which, together with their shops, were then looted and burned by "Chetniks" and local Serbs -- including former neighbors.

The witness identified some of the Serbs who led these activities in Foca, three of whom were former deputies of the National Assembly from Foca. The witness said that these men also ordered the April 7 attack on Foca and gave orders for local ethnic cleansing and other criminal activities.

The witness said that two local Serbs removed the Klapuh family (husband, wife, and daughter) from their home. The next day, all three were found dead with their throats cut. (Department of State)